

By: Turner

H.B. No. 2321

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to low-income vehicle repair assistance, retrofit, and  
3 accelerated vehicle retirement programs and local initiative  
4 projects.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Section [382.201](#), Health and Safety Code, is  
7 amended by adding Subdivision (4-a) to read as follows:

8 (4-a) "Purchase" means a transaction in which a  
9 person:

10 (A) buys a vehicle; or

11 (B) leases a vehicle for a period of at least  
12 three years under an agreement that allows the vehicle to be driven  
13 at least 12,000 miles a year without a penalty.

14 SECTION 2. Section [382.202](#)(g), Health and Safety Code, is  
15 amended to read as follows:

16 (g) The commission shall:

17 (1) use part of the fee collected under Subsection (e)  
18 to fund county [~~low-income vehicle repair assistance, retrofit, and~~  
19 ~~accelerated vehicle retirement~~] programs and projects as provided  
20 by Section [382.220](#) [created under Section [382.209](#)]; and

21 (2) to the extent practicable, distribute available  
22 funding created under Subsection (e) to participating counties in  
23 reasonable proportion to the amount of fees collected under  
24 Subsection (e) in those counties or in the regions in which those

1 counties are located.

2 SECTION 3. Sections 382.209(b) and (e), Health and Safety  
3 Code, are amended to read as follows:

4 (b) The commission shall provide funding for local  
5 low-income vehicle repair assistance, retrofit, and accelerated  
6 vehicle retirement programs as provided by Section 382.220 [~~with~~  
7 ~~available funds collected under Section 382.202, 382.302, or other~~  
8 ~~designated and available funds~~]. The programs shall be  
9 administered in accordance with Chapter 783, Government Code.  
10 Program costs may include call center management, application  
11 oversight, invoice analysis, education, outreach, and advertising.  
12 Not more than 10 percent of the money provided to a local low-income  
13 vehicle repair assistance, retrofit, and accelerated vehicle  
14 retirement program [~~under this section~~] may be used for the  
15 administration of the program [~~programs~~], including program costs.

16 (e) A vehicle is not eligible to participate in a low-income  
17 vehicle repair assistance, retrofit, and accelerated vehicle  
18 retirement program established under this section unless:

- 19 (1) the vehicle is capable of being operated;
- 20 (2) the registration of the vehicle:
- 21 (A) is current; [~~and~~]
- 22 (B) was issued by the county implementing the  
23 program; and
- 24 (C) reflects that the vehicle has been registered  
25 in the county implementing the program for at least 12 of the 15  
26 months preceding the application for participation in the program;
- 27 (3) the commissioners court of the county

1 administering the program determines that the vehicle meets the  
2 eligibility criteria adopted by the commission, the Texas  
3 Department of Motor Vehicles, and the Public Safety Commission;

4 (4) if the vehicle is to be repaired, the repair is  
5 done by a repair facility recognized by the Department of Public  
6 Safety, which may be an independent or private entity licensed by  
7 the state; and

8 (5) if the vehicle is to be retired under this  
9 subsection and Section 382.213, the replacement vehicle is a  
10 qualifying motor vehicle.

11 SECTION 4. Sections 382.210(a), (b), and (f), Health and  
12 Safety Code, are amended to read as follows:

13 (a) The commission by rule shall adopt guidelines to assist  
14 a participating county in implementing a low-income vehicle repair  
15 assistance, retrofit, and accelerated vehicle retirement program  
16 authorized under Section 382.209. The guidelines at a minimum  
17 shall recommend:

18 (1) a ~~[minimum and]~~ maximum amount for repair  
19 assistance of at least \$800;

20 (2) an ~~[a minimum and maximum]~~ amount to be put toward  
21 the purchase price of a replacement vehicle qualified for the  
22 accelerated retirement program, based on vehicle type and model  
23 year, of at least ~~[with the maximum amount not to exceed]~~:

24 (A) \$4,000 ~~[\$3,000]~~ for a replacement car of the  
25 current model year or the previous four ~~[three]~~ model years, except  
26 as provided by Paragraph (C);

27 (B) \$4,000 ~~[\$3,000]~~ for a replacement truck of

1 the current model year or the previous three [~~two~~] model years,  
2 except as provided by Paragraph (C); and

3 (C) \$4,500 [~~\$3,500~~] for a replacement vehicle of  
4 the current model year or the previous four [~~three~~] model years  
5 that:

6 (i) is a hybrid vehicle, electric vehicle,  
7 or natural gas vehicle; or

8 (ii) has been certified to meet federal  
9 Tier 2, Bin 3 or a cleaner Bin certification under 40 C.F.R. Section  
10 86.1811-04, as published in the February 10, 2000, Federal  
11 Register;

12 (3) criteria for determining eligibility, taking into  
13 account:

14 (A) the vehicle owner's income, which may not  
15 exceed 300 percent of the federal poverty level;

16 (B) the fair market value of the vehicle; and

17 (C) any other relevant considerations;

18 (4) safeguards for preventing fraud in the repair,  
19 purchase, or sale of a vehicle in the program; and

20 (5) procedures for determining the degree and amount  
21 of repair assistance a vehicle is allowed, based on:

22 (A) the amount of money the vehicle owner has  
23 spent on repairs;

24 (B) the vehicle owner's income; and

25 (C) any other relevant factors.

26 (b) A replacement vehicle described by Subsection (a)(2)  
27 must:

1           (1) except as provided by Subsection (c), be a vehicle  
2 in a class or category of vehicles that has been certified to meet  
3 federal Tier 2, Bin 5 or a cleaner Bin certification under 40 C.F.R.  
4 Section 86.1811-04, as published in the February 10, 2000, Federal  
5 Register;

6           (2) have a gross vehicle weight rating of less than  
7 10,000 pounds;

8           (3) have an odometer reading of not more than 85,000  
9 [~~70,000~~] miles; and

10           (4) be a vehicle the total purchase price [~~cost~~] of  
11 which does not exceed:

12                   (A) for a vehicle described by Subsection  
13 (a)(2)(A) or (B), \$35,000; or

14                   (B) for a vehicle described by Subsection  
15 (a)(2)(C), \$45,000.

16           (f) For the purposes of Subsection (b), a reference to the  
17 total purchase price of a motor vehicle that is sold [~~In this~~  
18 ~~section, "total cost"~~] means the total amount of money paid or to be  
19 paid for the purchase of a motor vehicle as set forth as "sales  
20 price" in the form entitled "Application for Texas Certificate of  
21 Title" promulgated by the Texas Department of Motor Vehicles. In a  
22 transaction that does not involve the use of that form, the term  
23 means an amount of money that is equivalent, or substantially  
24 equivalent, to the amount that would appear as "sales price" on the  
25 Application for Texas Certificate of Title if that form were  
26 involved.

27           SECTION 5. Section [382.220](#), Health and Safety Code, is

1 amended to read as follows:

2           Sec. 382.220. COUNTY USE OF MONEY FROM VEHICLE EMISSIONS  
3 INSPECTION FEES; [~~FUNDING FOR~~] LOCAL INITIATIVE PROJECTS. (a) The  
4 commission:

5                   (1) shall provide funding to participating counties  
6 for local low-income vehicle repair assistance, retrofit, and  
7 accelerated vehicle retirement programs under Section 382.209  
8 using:

9                           (A) available funds derived from fees collected  
10 through vehicle emissions inspection and maintenance programs  
11 under Sections 382.202 and 382.302; and

12                           (B) other designated and available funds; and

13                   (2) may provide funding to participating counties for  
14 local initiative projects under Subsection (b) using available  
15 funds derived from fees collected through vehicle emissions  
16 inspection and maintenance programs under Sections 382.202 and  
17 382.302.

18                   (a-1) A participating county that implements a local  
19 initiative project under Subsection (b) must use at least 50  
20 percent of the money made available to the county under Section  
21 382.202(g) or 382.302 for the county's low-income vehicle repair  
22 assistance, retrofit, and accelerated vehicle retirement program.

23                   (a-2) Money that is made available to participating  
24 counties under Section 382.202(g) or 382.302 may be appropriated  
25 only for programs administered in accordance with Chapter 783,  
26 Government Code, to improve air quality.

27                   (a-3) A participating county may agree to contract with any

1 appropriate entity, including a metropolitan planning organization  
2 or a council of governments, to implement a program under Section  
3 382.202 or ~~382.209~~ or a project under Subsection (b) ~~[this~~  
4 ~~section]~~.

5 (b) A participating county may implement a local initiative  
6 project to improve air quality if approved by the commissioners  
7 court of the county. A local initiative project ~~[program under this~~  
8 ~~section must be implemented in consultation with the commission~~  
9 ~~and]~~ may include a program to:

10 (1) expand and enhance the AirCheck Texas Repair and  
11 Replacement Assistance Program;

12 (2) develop and implement programs or systems that  
13 remotely determine vehicle emissions and notify the vehicle's  
14 operator;

15 (3) develop and implement projects to implement the  
16 commission's smoking vehicle program;

17 (4) develop and implement projects in consultation  
18 with the director of the Department of Public Safety for  
19 coordinating with local law enforcement officials to reduce the use  
20 of counterfeit registration insignia and vehicle inspection  
21 reports by providing local law enforcement officials with funds to  
22 identify vehicles with counterfeit registration insignia and  
23 vehicle inspection reports and to carry out appropriate actions;

24 (5) develop and implement programs to enhance  
25 transportation system improvements; or

26 (6) develop and implement new air control strategies  
27 designed to assist local areas in complying with state and federal

1 air quality rules and regulations.

2 (c) Money that is made available for the implementation of a  
3 local initiative project [~~program~~] under Subsection (b) may not be  
4 expended for local government fleet or vehicle acquisition or  
5 replacement, call center management, application oversight,  
6 invoice analysis, education, outreach, or advertising purposes.

7 [~~(d) Fees collected under Sections 382.202 and 382.302 may  
8 be used in an amount not to exceed \$7 million per fiscal year for  
9 projects described by Subsection (b), of which \$2 million may be  
10 used only for projects described by Subsection (b)(4). The  
11 remaining \$5 million may be used for any project described by  
12 Subsection (b). The fees shall be made available only to counties  
13 participating in the low-income vehicle repair assistance,  
14 retrofit, and accelerated vehicle retirement programs created  
15 under Section 382.209 and only on a matching basis, whereby the  
16 commission provides money to a county in the same amount that the  
17 county dedicates to a project authorized by Subsection (b). The  
18 commission may reduce the match requirement for a county that  
19 proposes to develop and implement independent test facility fraud  
20 detection programs, including the use of remote sensing technology  
21 for coordinating with law enforcement officials to detect, prevent,  
22 and prosecute the use of counterfeit registration insignia and  
23 vehicle inspection reports.]~~

24 SECTION 6. Section 382.302(e), Health and Safety Code, is  
25 amended to read as follows:

26 (e) A participating county may participate in the program  
27 established under Section 382.209 and may implement a local

1 initiative project under Section 382.220.

2 SECTION 7. This Act takes effect September 1, 2017.